

Becker, Dale

From: Becker, Dale
Sent: Thursday, May 05, 2016 11:06 AM
To: 'HENDRIX Keith A'
Cc: HURLEY Daniel M; BISHOP Jeff A; FICEK Chad C; BERGER Jesse C; STRUNK Donald L; Kim Singleton (Kim@LRAPA.ORG); Colleen Wagstaff (colleen@LRAPA.ORG); Katie Eagleson (katie@LRAPA.ORG); Robbye Lanier (robbye@lrapa.org); BETTS Gregory A
Subject: RE: Off site rule

I have spoken with my attorney and confirmed that the waste that is already at the landfill can be disposed of at the landfill. 40CFR300.440(a)(2) provides me the authority to in order to mitigate health hazards during an emergency. If we try to move the rejected load to another facility then it may need to be handled twice and will increase the risk of exposure to workers, the public or the environment. In order to reduce the risk of exposure or environmental release we will dump demolition debris in the rejected load to a liner, close the liner to provide containment and dispose of the package in your asbestos cell.

My disposal contractors are currently developing a disposal plan for the materials that are not at the Short Mountain Landfill. If your landfill does not have a record of being certified to receive waste from CERCLA clean-up sites, and we can find one that is, then we will be disposing of the materials. In the unlikely event that we cannot find a facility that is certified to receive CERCLA waste then we may dispose of the clean-up waste at your facility.

Due to the quick timeline to dispose of the clean-up waste and based on past experience, you probably will not have time to go through the full review process to get a CERCL off-site certification in time to receive waste from this project. However you may look into the process so that you can receive waste from future clean-up projects.

-----Original Message-----

From: HENDRIX Keith A [mailto:Keith.HENDRIX@co.lane.or.us]
Sent: Thursday, May 05, 2016 10:21 AM
To: Becker, Dale <Becker.Dale@epa.gov>
Cc: HURLEY Daniel M <Daniel.HURLEY@co.lane.or.us>; BISHOP Jeff A <Jeff.BISHOP@CO.Lane.OR.US>; FICEK Chad C <Chad.FICEK@co.lane.or.us>; BERGER Jesse C <Jesse.BERGER@co.lane.or.us>; STRUNK Donald L <Donald.Strunk@co.lane.or.us>; Kim Singleton (Kim@LRAPA.ORG) <Kim@LRAPA.ORG>; Colleen Wagstaff (colleen@LRAPA.ORG) <colleen@LRAPA.ORG>; Katie Eagleson (katie@LRAPA.ORG) <katie@LRAPA.ORG>; Robbye Lanier (robbye@lrapa.org) <robbye@lrapa.org>; BETTS Gregory A <Gregory.BETTS@co.lane.or.us>
Subject: RE: Off site rule

Thanks Dale.

We will let you know if Short Mountain Landfill has records of approval from EPA to receive CERCLA waste. Per our conversation this morning, the trailer on site containing the questionable material is a 48' long walking floor trailer with a capacity of 20 tons or 120 cy.

All - I spoke with (b) (6) yesterday afternoon and he said he still has the receipts/load tickets from the two loads he dumped at the Rattlesnake transfer station on 4/27/16. These tickets contain information such as time, date, cost, fee type, etc. They will not indicate tonnage because material brought to Rattlesnake is not scaled and is charged by the cubic yard. As I was talking with (b) (6), he remembered that he also hauled a load of the same material to the Cottage Grove transfer station in the afternoon of the same day. I confirmed with the transfer station supervisor that this load was hauled to the landfill and buried last week. (b) (6) said he could not find the ticket from the Cottage Grove load.

Keith Hendrix
Landfill Supervisor, Waste Management Division Lane County Public Works
3100 E. 17th Avenue Eugene, Oregon 97403
Office: 541-746-6228, Cell: 541-230-0735

-----Original Message-----

From: Becker, Dale [mailto:Becker.Dale@epa.gov]
Sent: Wednesday, May 04, 2016 6:56 PM
To: HENDRIX Keith A
Subject: FW: Off site rule

EPA has no record of your facility being certified as approved to receive waste from CERCLA (aka Superfund) clean-up sites. The CERCLA off-site rule requires disposal facilities to be in compliance with all permits and have no releases of hazardous substance from active cells.

If you are interested in receiving this certification you can contact Jennifer Parker at 206-553-6253 or parker.jennifer@epa.gov.

-----Original Message-----

From: Parker, Jennifer
Sent: Wednesday, May 04, 2016 4:59 PM
To: Becker, Dale <Becker.Dale@epa.gov>
Subject: RE: Off site rule

I have no information indicating that the Short Mountain Landfill has ever requested an acceptability determination review under the Off-Site Rule. If you would like to send CERCLA waste (hazardous substances, pollutants, or contaminants as defined under CERCLA sections 101(14) and (33)) to this facility, you should contact the facility and see if they are interested in applying. If you do talk to them and they would like to apply, please ask them to contact me directly to start the process. And since they'll probably ask you what kind of information I'll be asking for, you can tell them that in addition to other things, I will need to request a list of all of the environmental permits the facility is operating under or has applied for (even if a final permit has not been issued).

The Off-Site Rule is found at 40 CFR § 300.440. Unfortunately, our webpage that had a link to the rule has been removed from the EPA website. I found a copy at <https://www.law.cornell.edu/cfr/text/40/300.440>
40 CFR § 300.440(a)(2) addresses emergency removal. Bob Hartman is the OSR attorney if you need to discuss legal issues.

The attached document might help you or it might not. It was developed by ECL and it's what the RPM's typically refer to when they contact me about Off-Site acceptability statuses.

-----Original Message-----

From: Becker, Dale
Sent: Wednesday, May 04, 2016 3:45 PM
To: Parker, Jennifer <Parker.Jennifer@epa.gov>
Subject: Off site rule

Can you check to see if Short Mountain Landfill in lane county Oregon is off site certified?

If not pleased forward links to info on the process.

Also do you have citation for emergency exemption?

Sent from my iPhone